PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Frances Jiang, et al.	Group Art Unit:	2683
Serial No.:	10/699,452	Examiner:	James D. Ewart
Filed:	October 31, 2003	Atty. Dkt. No.:	2100.023700
For:	Method Of Indicating Delay	Client Docket:	Jiang 20-3-2-19

APPEAL BRIEF

Customer No.: 46290

MS After Final
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Appellants hereby submit this Appeal Brief to the Board of Patent Appeals and Interferences in response to the final Office Action dated December 15, 2005. A Notice of Appeal was filed on March 15, 2006 and so this Appeal Brief is believed to be timely filed.

A check in the amount of $500.00 for filing this Appeal Brief is attached. However, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason, the Assistant Commissioner is authorized to deduct said fees from **Williams, Morgan & Amerson's P.C. Deposit Account 50-0786/2100.023700.**

I. REAL PARTY IN INTEREST

The present application is owned by Lucent Technologies, Inc. The assignment of the present application to Lucent Technologies, Inc., is recorded at Reel 015009, Frame 0068.

II.   RELATED APPEALS AND INTERFERENCES

Appellants are not aware of any related appeals and/or interferences that might affect the outcome of this proceeding.

III.   STATUS OF THE CLAIMS

Claims 1-17 are pending in the instant application. Claims 1, 2, 5-9, 10, 11, and 14-17 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Ament, U.S. Patent Publication No. 2004/0105436 (hereinafter *Ament*) and in further view of Bender, et al. U.S. Patent No. 6,366,779 (hereinafter *Bender*). Claims 3, 4, 12 and 13 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over *Ament* and *Bender* in further view of Buford, et al. U.S. Patent No. 5,945,948 (hereinafter *Buford*).

IV.   STATUS OF AMENDMENTS

There were no amendments after the final rejections.

V.   SUMMARY OF CLAIMED SUBJECT MATTER

In general, the present invention relates to telecommunications, and more particularly, to wireless and wireline communications. There are two independent claims at issue in the current appeal: claims 1 and 10.

Independent claim 1 sets forth a method of communication that includes in response to a request for a service, transmitting at least one message comprising existing delay information corresponding with an estimated delay length associated with accessing the service through an

open loop network. By way of example only, at least portions of the invention are described at p. 4-9; Figures 1-2.

Independent claim 10 sets forth a method of communication that includes, in response to a request for a service, receiving at least one message comprising existing delay information corresponding with an estimated delay length associated with accessing the service through an open loop network. By way of example only, at least portions of the invention are described at p. 4-9; Figures 1-2.

Embodiments of the present invention provide a method of indicating a delay to a subscriber seeking to gain network access. More particularly, the method of the present invention provides a technique for calculating the length of a delay that an access user or subscriber, for example, may experience in accessing a service. This service may be provided from, for example, an open loop wireless network and/or wireline network. For the purposes of the present disclosure, the delay may correspond with a time interval between a first instant that a subscriber initiates a service request to a provider's network – or, in the alternative, the instant when a service request is autonomously initiated at a predefined (e.g., periodic or aperiodic) moment in time - and a second instant in which service access is granted to the subscriber. Consequently, the delay may be derived by a heuristic method based on information, such as traffic congestion patterns, channel condition patterns, and/or service demand patterns, for example, collected over time. See Appellants' Specification at page 4, lines 7-20.

In an exemplary embodiment, a method of the present invention includes the step of transmitting at least one message comprising delay information. This delay information may correspond with a delay length associated with accessing a service through an open loop network. The delay length may comprise a time interval between a first instant corresponding

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with a received service request and a second instant corresponding with granting service access. Alternatively, the delay length may comprise a time interval between a first instant corresponding with a received service request generated at a predefined moment in time and a second instant corresponding with granting service access. The delay length may correspond with traffic congestion, channel condition, system loading, processor occupancy, queuing delay, and/or scheduling delay, for example. The method may also include the step of collecting information corresponding with traffic, channel condition and/or service demand(s) to determine a pattern(s) over time. These patterns may be developed using a heuristic technique(s). See Appellants' Specification at page 4, line 21 to page 5, line 7.

In another exemplary embodiment, a method of the present invention includes the step of receiving at least one message comprising delay information. This delay information may correspond with a delay length associated with accessing a service through an open loop network. The delay length may comprise a time interval between a first instant corresponding with generating a service request and a second instant corresponding with receiving a service access grant. Alternatively, the delay length may comprise a time interval between a first instant corresponding with an autonomous service request generated at a predefined moment in time and a second instant corresponding with granting service access. The delay length may correspond with traffic congestion, channel condition, system loading, processor occupancy, queuing delay, and/or scheduling delay, for example. The method may also include the step of generating information corresponding with traffic, channel condition and/or service demand(s). This information may be used by the generator of the message to determine a pattern(s) over time and thereby calculate the delay information using a heuristic technique(s). See Appellants' Specification at page 5, lines 8-24.

VI.   GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Appellants respectfully request that the Board review and overturn the two rejections present in this case. The following issues are presented on appeal in this case:

(A)   Whether claims 1, 2, 5-9, 10, 11, and 14-17 are obvious over Ament, U.S. Patent Publication No. 2004/0105436 (hereinafter *Ament*) and in further view of Bender, et al. U.S. Patent No. 6,366,779 (hereinafter *Bender*).

(B)   Whether claims 3, 4, 12 and 13 are obvious over Ament, U.S. Patent Publication No. 2004/0105436 (hereinafter *Ament*) and Bender, et al. U.S. Patent No. 6,366,779 (hereinafter *Bender*) in further view of Buford, et al. U.S. Patent No. 5,945,948 (hereinafter *Buford*).

VII. ARGUMENT

A.   Claims 1, 2, 5-9, 10, 11, and 14-17 are not obvious over *Ament* in view of *Bender*.

1.   Legal Standards

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicants' disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991); M.P.E.P. § 2142.

Moreover, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974). If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988); M.P.E.P. § 2143.03.

With respect to alleged obviousness, there must be something in the prior art <u>as a whole</u> to <u>suggest</u> the desirability, and thus the obviousness, of making the combination. *Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561 (Fed. Cir. 1986). In fact, the absence of a suggestion to combine is dispositive in an obviousness determination. *Gambro Lundia AB v. Baxter Health-care Corp.*, 110 F.3d 1573 (Fed. Cir. 1997). The mere fact that the prior art can be combined or modified does not make the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d 1430 (Fed. Cir. 1990); M.P.E.P. § 2143.01. The consistent criterion for determining obviousness is whether the prior art would have suggested to one of ordinary skill in the art that the process should be carried out and would have a reasonable likelihood of success, viewed in the light of the prior art. Both the suggestion and the expectation of success must be founded in the prior art, not in the Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991; *In re O'Farrell*, 853 F.2d 894 (Fed. Cir. 1988); M.P.E.P. § 2142.

Federal Circuit precedent makes it clear that, in an obviousness situation, the prior art must disclose each and every element of the claimed invention, and that any motivation to combine or modify the prior art must be based upon a suggestion <u>in</u> the prior art. *In re Lee*, 61 U.S.P.Q.2d 143 (Fed. Cir. 2002). Conclusory statements regarding common knowledge and common sense are insufficient to support a finding of obviousness. *Id.* at 1434-35. Thus, to establish a *prima facie* case of obviousness, the prior art reference (or references when

combined) must teach or suggest all the claim features. Additionally, the references must provide a motivation to combine in the manner suggested by the Examiner. Mere conclusory statements to combine are insufficient.

2.   The Cited References Do Not Teach Each and Every Claim Feature

In the Final Office Action, the Examiner has maintained the rejection of claims 1, 2, 5-9 10, 11, and 14-17 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Ament* in view of *Bender*. Appellants respectfully traverse the Examiner's rejections.

Independent claim 1 is directed to a method of communication that, among other things, includes in response to a request for a service, transmitting at least one message comprising existing delay information corresponding with an estimated delay length associated with accessing the service through an open loop network.

Ament describes a technique of controlling service engagements for the bus users in a Data Bus System having a resource manager, which controls the resources, the service engagement and/or the service allocation. See *Ament*, paragraphs [0002], [0008], Figures 2-6, and related discussion. In response to a resource request 9, *Ament* uses the resource manager 1 to transmit a message about information including any waiting times for particular services. See *Ament*, paragraphs [0043] and [0045]. *Ament* refers to these waiting times as "how long the waiting times are for particular services." However, in the context of *Ament*, "any waiting times" refers to the waiting times for those particular services that may be already waiting to be engaged but have to wait for an engagement based on the priority information transmitted to the resource manager 1 by a service requesting bus user.

In *Ament*, the service can be engaged for the requesting bus user by the resource manager 1. The resource manager 1 controls the service engagement on the basis of a priority information

item that is transmitted to the resource manager 1 in a message (request or notification) from a requesting bus user. See *Ament*, paragraph [0009]. If the priority of the current request is lower than or the same as the priority of the bus user which is already a user, the bus user's request is rejected by the resource manager or is entered into the list of already existing requests in order. A requesting bus user can indicate whether it needs to be put into a waiting list if the service is engaged. See *Ament*, paragraph [0021].

However, *Ament* transmits **known waiting time information for queued** services and uses this **known** information along with a **priority indication from a new service request to** provide a service to a bus user. In particular, the waiting times described by *Ament* are for those services that have been already waiting in a list to be engaged and is not a wait time for a service being requested by a bus user. In fact, *Ament* is completely silent with regard to transmitting a wait time for a service that is being considered for engagement by the resource manger 1. To the contrary, the waiting times described by *Ament* only correspond to the waiting times of those services that are already queued in a waiting list to be engaged.

In the Advisory Action, the Examiner alleges that in *Ament* the resource manager 1 doesn't know exactly how long the service will be engaged, and thus the waiting time, *i.e.*, delay is an estimate as described by *Ament* in paragraph [0009]. The Examiner then alleges that the time to accomplish a communication service can vary based on the communication conditions, which can alter the throughput. The Examiner therefore concludes that *Ament* teaches transmitting at least one message comprising existing delay information corresponding with an estimated delay length associated with accessing a service. Applicants respectfully disagree and submit that the Examiner has provided no evidence (or even an argument) that the transmission of waiting times of currently requested services described by *Ament* necessarily includes an

estimated delay length for a service yet to be considered for engagement. Thus, Applicants respectfully submit that any waiting times for particular services do not indicate existing delay information corresponding with an estimated delay length associated with accessing a service.

Furthermore, even if one accepts *arguendo* the Examiner's allegation that any waiting times for particular services indicate existing delay information corresponding with an estimated delay length (and Applicants reiterate that this is not the case) associated with accessing a service, Applicants submit that recording the actual engagement times of the already requested services does not provide an estimated delay length. In particular, *Ament* teaches that since all requests are sent to the resource manager's interface, the resource manager 1 can easily record the use of the services and the engagement time. The resource manager 1 can then take the current resource engagement or the current resource requests as a basis for deciding whether a particular function is granted or refused a service or whether the request is put into a queuing loop. See *Ament*, paragraph [0010]. Accordingly, Applicants respectfully submit that using the recorded engagement times of the current resource requests is not estimating delay length associated with accessing a service.

Thus, Applicants respectfully submit that the prior art of record fails to teach or suggest all the limitations of the claimed invention. Furthermore, *Ament* is only concerned with transmitting the recorded engagement times of the current resource requests, as discussed above. Accordingly, *Ament* also fails to provide any suggestion or motivation to modify the prior art directed to arrive at the claimed invention.

Applicants submit that the pending claims are not obvious in view of *Ament* and *Bender*, either considered alone or in combination. The Examiner concedes that *Ament* fails to teach or suggest the limitation in claim 1 as to accessing the service through an open loop network. See

Final Office Action, page 3. The Examiner relies on *Bender* to teach this limitation. However, *Bender* also fails to teach or suggest that <u>transmission</u> of at least one message comprises existing delay information corresponding with <u>an estimated delay length associated with accessing the service</u>. Neither *Ament* or *Bender* <u>estimate</u> delay length associated with accessing the service. Furthermore, neither *Ament* and *Bender* provide any suggestion to modify or combine the prior art as suggested by the Examiner so as to arrive at Applicants' claimed invention.

In rejecting claim 1, the Examiner asserts that *Ament* teaches in [0002] "that [t]he resource manager <u>reserves</u> a service from a providing bus user if the service is free and sends a response to a requesting bus user so that the requesting bus user can use the service from the providing bus user via the data bus." and further states in [0021] that "[a] resource conflict arises when a requested resource has already been engaged. The Examiner asserts that a requesting bus user can indicate whether it needs to be put into a waiting list if the service is engaged." The Examiner cites description of Figure 2 in *Ament* at paragraph [0043] to assert that an application sends a service request 9 to the resource manager. And in response the resource manager sends a response to the request 14 which includes the waiting time for the service (see [0043]). In this way, the Examiner alleges that the combination of *Ament* and *Bender* teaches the claimed invention because *Ament* can be modified by *Bender* in order to achieve claim 1 features. Applicants respectfully disagree with this reasoning.

In the Office Action, the Examiner seems to imply that *Ament* discloses transmitting at least one message comprising existing delay and *Ament* teaches or suggests an estimated delay length associated with accessing the service. Applicants respectfully disagree with this reasoning since this assertion is not supported at all by the language in *Ament*. There are several problems with the Examiner's position. As an initial matter, it is well-established that the prior

art references when considered alone or in combination, must teach each and every claimed feature exactly. One problem with the Examiner's rejection is that it is not supported by the very reference upon which the rejection relies. In *Ament,* the resource manager controls the service engagement on the basis of a priority information item that is transmitted to the resource manager in a message from the requesting bus user. See *Ament,* paragraph [0009], page 1. *Ament* teaches use of the priority of the current request to determine whether to engage the service for the requesting bus user by the resource manager. That is, if the priority of the current request is higher than the priority of a prior user, the service's existing engagement is cancelled and the service can be engaged for the requesting bus user by the resource manager. If the priority of the current request is lower than or same as the priority of the prior bus user, the bus user's request is rejected by the resource manager or is entered into the list of already existing requests in order. See *Ament,* paragraph [0021], page 2. Contrary to *Ament,* independent claim 1 recites transmitting at least one message comprising existing delay information corresponding with an estimated delay length.

In the data bus system described by *Ament,* waiting times for particular services on the data bus determines whether a resource request 9 by an application 8 for a requested service would be successful. See *Ament,* paragraph [0043], page 4. Accordingly, actual waiting times associated with service requests are used to determine whether to provide a service to a particular user of the data bus. The resource manager transmits an identifier for the service, and information regarding whether the request was successful, how long the waiting times are and/or the form in which the service can be used to the requesting application.

Ament uses known waiting time information for queued services along with a priority indication from a new service request to provide a service to a bus user. In other words, the

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information about the priority of the current request and the waiting times for the already existing requests are used to determine whether to provide a service to a bus user in a bus system. Thus, *Ament* does <u>not</u> teach or suggest transmitting existing delay information, as noted above, moreover, *Ament* does not estimate delay length associated with accessing the service. It, clearly cannot supply the missing claimed features in claim 1.

The Examiner does not cite to any other reference to show the missing claimed features. Instead, the Examiner advances a conclusory statement that *Ament* teaches <u>in response to a request for a service</u>, transmitting at least one message comprising <u>existing</u> delay information corresponding with <u>an estimated</u> delay length associated with accessing the service through an open loop network. Such a conclusory statement is clearly deficient. Because the Office provides no citations in *Ament* and/or cites other *reference(s)* to support this "obviousness" assertion, Applicants infer that the Examiner makes this assertion based on **personal knowledge**. However, no **supporting affidavit** has been made of record. Accordingly, for this additional reason, the appellants respectfully submit that the Examiner has erred in rejecting claim 1 and the rejection is flawed because the Examiner has failed to cite the prior art to substantiate the "obviousness" assertion.

With regard to *Bender,* to control the transmission power of the requesting mobile stations, it discloses rapid assignment of traffic channels to mobile stations in a wide area high-speed packet data cellular communication system. By reducing the <u>time delays associated with the traffic channel request and assignment process,</u> *Bender* assigns the mobile station a traffic channel and allows the base stations to use the traffic channel, and not the control channel, for transmitting the traffic channel assignment message to the requesting mobile station. Since the traffic channel operates at a far higher rate than does the control channel, *Bender* provides a

traffic channel assignment message at a much higher rate to the mobile station than was previously available. See *Bender*, col. 13, lines 26-35.

Contrary to *Bender*, independent claim 1 recites existing delay information corresponding with an estimated delay length associated with the accessing the service through an open loop network. Accordingly, *Bender* does <u>not</u> teach or suggest the claimed feature of claim 1. For at least this reason, the rejection of independent claim 1 and dependent claims 2-9, depending therefrom should be withdrawn and claims be allowed.

Neither *Ament* nor *Bender* teaches or suggests transmitting a message comprising existing delay information corresponding with an estimated delay length. Moreover, *Ament* and *Bender* are directed to different fields of use. *Ament* is intended to <u>control a service engagement in a data bus system</u> and *Bender* is directed to <u>rapid assignment of a traffic channel</u> in digital cellular communication systems.

In fact, the disclosures of the *Ament* and *Bender* references are considerably different. These references were not intended to be modified or combined, in a manner, as suggested by the Examiner. Moreover, if the proposed combination is obtained, it would still be unable to perform the claimed features of the present invention. Furthermore, if there is no motivation to combine found in the references itself, the references can <u>not</u> render claim 1 obvious in a *prima facie* manner. Therefore, for at least this reason, Applicants respectfully request that the rejection of independent claim 1 and claims depending therefrom be withdrawn and claims be allowed.

For the aforementioned reasons independent claim 10 and claims depending therefrom are in condition for allowance. Appellants respectfully submit that the Examiner has failed to make a *prima facie* case that the present invention is obvious over *Ament* and in view of *Bender*.

Appellants request that the Examiner's rejections of claims 1, 2, 5-9, 10, 11, and 14-17 under 35 U.S.C. 103(a) be <u>REVERSED</u>.

B.   <u>Claims 3, 4, 12 and 13 are not obvious over *Ament* in view of *Bender* and further in view of *Buford.*</u>

In the Office Action, claims 3, 4, 12 and 13 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable by *Ament* and *Bender* in view of *Buford*. However, *Buford* fails to address the above-indicated shortcomings of *Ament* and *Bender*.

With regard to claim 3, it sets forth that the estimated delay length comprises at least one time interval between a first instant corresponding with a received <u>autonomous service request generated at a predefined moment in time</u> and a second instant corresponding with granting service access. *Buford* describes a technique for determining a subscriber unit location in a communication system. By selectively adding time delay to the base station in response to an initial access, the subscriber unit <u>automatically sends new access requests</u> at successively higher power levels, <u>with a given time between attempts</u>, and a specified limit to the number of attempts and the maximum power sent. See *Buford*, col. 17, lines 62-67 and Figure 19. The Examiner alleges that sending new access requests in an alternating manner after a give time is equivalent to <u>generating service requests sequentially at a predefined moment in time</u>. Appellants respectfully disagree and submit that the Examiner has improperly interpreted the term "predefined moment in time" that conflicts with the definition presented in the specification and the definition that would be applied by a person of ordinary skill in the art.

As defined in the Appellants' Specification and in accordance with common usage in the art, the predefined moment in time is defined in terms of initiating a service request

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autonomously by the subscriber/user's equipment at a certain defined instant of absolute time rather than a relative time. See Patent Application, page 7, lines 16-18. For example, such an autonomous initiation may be at a periodic or aperiodic moment in time. See Patent Application, page 7, lines 18-19. Appellants further note that *Buford* has defined a given time between attempts in a manner inconsistent with the definition of the predefined moment in time set forth in the present application. *Buford* presents one example in which the given time between attempts appears to be an amount of delay that could be of a specified duration and added prior to responding to a subscriber access request to transmit repeated attempts. See *Buford* col. 18, lines 2-4. Thus, contrary to the Examiner's allegations, a given time between attempts cannot be "a predefined moment in time." In particular, simply indicating a fixed period of time in an alternating manner, as described in *Buford*, is not equivalent to a predefined moment in time. Accordingly, Appellants respectfully submit that *Buford* fails to teach or suggest <u>autonomous service request generated at a predefined moment in time</u>.

Referring to claim 4, it sets forth that the predefined moment in time comprises at least one of a periodic and an aperiodic instant. The Examiner relies upon *Buford* to describe the predefined moment in time of a periodic and/or an aperiodic <u>instant</u>. However, *Buford* is also completely silent with regard to defined periodic and/or an aperiodic <u>instants of time</u>. Accordingly, *Buford* does not describe or suggest that the predefined moment in time comprises at least one of a periodic and an aperiodic instant.

The cited references also fail to provide any suggestion or motivation to modify the prior art to arrive at Appellants' claimed invention. To the contrary, both of the cited references teach away from the Examiner's proposed modification of the prior art. *Buford* appears to teach away from defined <u>instants of time</u>, whereas the present invention teaches <u>periodically</u> or

nonperiodically using the predefined moments in time. It is by now well established that teaching away by the prior art constitutes *prima facie* evidence that the claimed invention is not obvious.

For at least the aforementioned reasons, Appellants respectfully submit that the present invention is not obvious over *Ament* and *Bender* in view of *Buford* and request that the Examiner's rejections of claims 3, 4, 12 and 13 under 35 U.S.C. 103(a) be <u>REVERSED</u>.

VIII. CLAIMS APPENDIX

The claims that are the subject of the present appeal – claims 1-17 – are set forth in the attached "Claims Appendix."

IX.   EVIDENCE APPENDIX

There is no separate Evidence Appendix for this appeal.
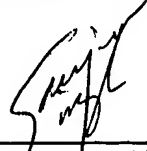
X.   RELATED PROCEEDINGS APPENDIX

There is no Related Proceedings Appendix for this appeal.

XI.   CONCLUSION

In view of the foregoing, it is respectfully submitted that the Examiner erred in not allowing all claims pending in the present application, claims 1-17, over the prior art of record. The undersigned may be contacted at (713) 934-4089 with respect to any questions, comments or suggestions relating to this appeal.

Respectfully submitted,

Date: May 12, 2006

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Sanjeev K. Singh, Ph.D.
Reg. No. L0220
WILLIAMS, MORGAN & AMERSON
10333 Richmond, Suite 1100
Houston, Texas 77042
(713) 934-7000 ph
(713) 934-7011 fx
AGENT FOR APPELLANTS

CLAIMS APPENDIX

1.   (Previously Presented) A method of communication comprising:

in response to a request for a service, transmitting at least one message comprising existing delay information corresponding with an estimated delay length associated with accessing the service through an open loop network.

2.   (Previously Presented) The method of Claim 1, wherein the estimated delay length comprises at least one time interval between a first instant corresponding with a received service request and a second instant corresponding with granting service access.

3.   (Previously Presented) The method of Claim 1, wherein the estimated delay length comprises at least one time interval between a first instant corresponding with a received autonomous service request generated at a predefined moment in time and a second instant corresponding with granting service access.

4.   (Original) The method of Claim 3, wherein the predefined moment in time comprises at least one of a periodic and an aperiodic instant.

5.   (Previously Presented) The method of Claim 1, wherein the estimated delay length corresponds with at least one of traffic congestion, channel condition, system loading, processor occupancy, queuing delay, and scheduler delay.

6.   (Original) The method of Claim 1, wherein the open loop network comprises at least one of a wireline network and a wireless network.

7.   (Original) The method of Claim 6, comprising:

collecting information corresponding with at least one parameter associated with service access.

8.   (Original) The method of Claim 7, comprising:

determining at least one pattern associated with the at least one parameter.

9.   (Original) The method of Claim 8, wherein the at least one parameter comprises at least one of traffic, channel condition, and service demand.

10.   (Previously Presented) A method of communication comprising:

in response to a request for a service, receiving at least one message comprising existing delay information corresponding with an estimated delay length associated with accessing the service through an open loop network.

11.   (Previously Presented) The method of Claim 10, wherein the estimated delay length comprises at least one time interval between a first instant corresponding with generating a service request and a second instant corresponding with receiving a service access grant.

12.   (Previously Presented) The method of Claim 10, wherein the estimated delay length comprises at least one time interval between a first instant corresponding with an autonomous service request generated at a predefined moment in time and a second instant corresponding with granting service access.

13.   (Original) The method of Claim 12, wherein the predefined moment in time comprises at least one of a periodic and an aperiodic instant.

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14.   (Previously Presented) The method of Claim 10, wherein the estimated delay length corresponds with at least one of traffic congestion, channel condition, system loading, processor occupancy, queuing delay, and scheduler delay.

15.   (Original) The method of Claim 10, wherein the open loop network comprises at least one of a wireline network and a wireless network.

16.   (Original) The method of Claim 15, comprising:
generating information corresponding with at least one parameter associated with service access.

17.   (Original) The method of Claim 16, wherein the at least one parameter comprises at least one of traffic, channel condition and service demand.
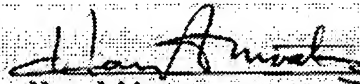
BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE
UNITED STATES PATENT AND TRADEMARK OFFICE

LIMITED RECOGNITION UNDER 37 CFR § 11.9(b)

Dr. Sanjeev Kumar Singh is hereby given limited recognition under 37 CFR §11.9(b) as an employee of Williams, Morgan & Amerson, P.C., to prepare and prosecute patent applications for clients of Williams, Morgan & Amerson, P.C. in which a member of Williams, Morgan & Amerson, P.C., is the attorney of record. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Dr. Sanjeev Kumar Singh ceases to lawfully reside in the United States, (ii) Dr. Sanjeev Kumar Singh's employment with Williams, Morgan & Amerson, P.C. ceases or is terminated, or (iii) Dr. Sanjeev Kumar Singh ceases to remain or reside in the United States on an H-1B visa.

This document constitutes proof of such recognition. The original of this document is on file in the Office of Enrollment and Discipline of the U.S. Patent and Trademark Office.

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Director of Enrollment and Discipline

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